

MARRIAGE, DIVORCE & INHERITANCE RIGHTS IN ZAMBIA

Prepared for Clients of Patrick Chulu Legal Practitioners

Jurisdiction: Republic of Zambia

1. INTRODUCTION

This guide is intended to help individuals and families in Zambia understand their legal rights and responsibilities concerning marriage, divorce, and inheritance under Zambian law. The information provided is based on statutes including but not limited to the Matrimonial Causes Act (Cap. 50), the Intestate Succession Act (Cap. 59), and other applicable laws and regulations.

2. TYPES OF MARRIAGE IN ZAMBIA

There are two main types of marriage recognised in Zambia:

2.1 Statutory Marriage (under the Marriage Act Cap. 50):

- Must be registered at a civic centre
- Is monogamous (only one spouse)
- Requires formal ceremony and certificates

2.2 Customary Marriage:

- Recognised under Zambian customary law
- Polygamy may be permitted
- No requirement for formal registration, though it is encouraged

3. DIVORCE LAW IN ZAMBIA

3.1 Statutory Marriage Divorce:

Divorce for statutory marriages is governed by the Matrimonial Causes Act. Either spouse may petition the High Court for Zambia on grounds such as:

- Adultery
- Cruelty
- Desertion for at least 2 years
- Irretrievable breakdown of marriage

3.2 Customary Marriage Divorce:

Customary marriages are dissolved according to the customs of the tribe or ethnic group concerned. The Local Court often oversees such matters, and community elders may also be involved.

3.3 Custody and Maintenance:

In all divorces involving children, the court considers:

- The welfare and best interests of the child
- Financial support (child and/or spousal maintenance)
- Custody and visitation arrangements

4. INHERITANCE RIGHTS IN ZAMBIA

4.1 Testate Succession (With a Will):

Where a deceased person leaves a valid will, the estate is distributed according to their expressed wishes.

4.2 Intestate Succession (Without a Will):

The Intestate Succession Act, Cap. 59 governs the distribution of estates where no valid will exists. The estate is distributed as follows:

- Surviving Spouse – 20%
- Children – 50%
- Parents – 20%
- Other dependents – 10%

Note: Customary law may apply where the deceased was married under customary rites and did not opt for statutory marriage.

4.3 Administration of Estates:

The estate of the deceased must be administered by a court-appointed administrator. An application must be made to the Local Court or High Court, depending on the estate's value.

5. KEY LEGAL RIGHTS AND OBLIGATIONS

- Every spouse has a right to equal treatment, property rights, and parental responsibilities
- Children have a right to maintenance and inheritance, whether born within or outside of marriage
- Widows and widowers are legally protected from property grabbing under Zambian law

6. GOVERNING LAW

This guide is prepared in accordance with the following statutes of the Republic of Zambia:

- Matrimonial Causes Act, Cap. 50
- Marriage Act, Cap. 50
- Intestate Succession Act, Cap. 59
- Administration of Estates Act, Cap. 60
- Children's Code Act No. 12 of 2022
- Applicable Customary Law
- Relevant provisions of the Constitution of Zambia (Amendment) Act No. 2 of 2016

7. CONFIDENTIALITY AND LEGAL SUPPORT

All legal matters shared with Patrick Chulu Legal Practitioners are treated with utmost confidentiality. This guide is for informational purposes only and does not constitute legal advice.

Should you require legal representation or formal application for divorce, succession, or family-related court action, please consult directly with our office.

8. DECLARATION AND ACKNOWLEDGEMENT

I, the undersigned, confirm that I have received and understood the general legal overview provided in this document and acknowledge that further legal assistance may be required for my specific case.

Name: _____

Title: _____

Date: _____

Stamp: _____